

REMARKS

In the Office Action dated August 19, 2005, the response time to which has been extended by a concurrently filed Request for a Three Month Extension of Time and Fee, affirmation of a telephone election is required. Claims 5-10 are rejected under 35 U.S.C. § 112, 2nd paragraph. Claims 1-11 are rejected under 35 U.S.C. § 102(b). Claims 1-11 are also rejected under 35 U.S.C. § 103(a). However, for the reasons set forth below, it is respectfully submitted that Applicants' invention as set forth in claims 1, 2 and 3, includes features which are not taught or suggested by the cited references. Reconsideration is, therefore, respectfully requested.

Applicants affirm the election of Group I, including claims 1-11.

Claims 5-10 are rejected under 35 U.S.C. § 112, 2nd paragraph. Claims 5-10 have been cancelled rendering this rejection moot.

Claims 1-3 and 5-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Ohnuki*. However, it is pointed out that *Ohnuki* lacks any double shot molded vibration dampening material on the body in a portion of the receiver positioned to directly contact a portion of an article disposed in the receiver to dampen by vibrations carried by the article.

In *Ohnuki*, the vibration dampening material 18 alleged by the Examiner is an integral part of the molded clip and its vibration dampening features are provided by the flexible nature of the arm structure of the element 18 rather than the material itself.

For these reasons, it is respectfully submitted that Applicants' invention as set forth in claims 1, 2 and 3 includes features which are not taught or anticipated by *Ohnuki*.

Claims 1-3 and 5-10 are also rejected under 35 U.S.C. § 103(a) as being unpatentable over *Schliessner* in view of *Shereyk*. The Examiner contends that *Schliessner* discloses all the claimed features of Applicants' invention except for a vibration dampening material and a portion of the receiver. The Examiner cites *Shereyk* for this feature and concludes that it would have been obvious to add the vibration dampening material of *Shereyk* to *Schliessner*'s clip.

Applicants submit herewith a Declaration Under Rule 37 C.F.R. 1.131 establishing a prior date for Applicants' invention earlier than the earliest claimed date of *Shereyk*. As such, it is respectfully submitted that *Shereyk* is not a citable reference against Applicants' invention as set forth in claims 1-3.

Therefore, since the Examiner has noted that *Schliessner* lacks vibration dampening material, it is respectfully submitted that Applicants' invention as set forth in claims 1-3 includes features which are not anticipated or suggested by *Schliessner*.

The rejection of claim 4 under 35 U.S.C. § 103(a) is rendered moot by the cancellation of claim 4.

Claim 11, which has now been incorporated into claim 1, is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Schliessner* in view of *Shereyk* and further in view of *Colley*. The Examiner cited *Colley* for teaching a clamp providing protective material with surface irregularities facing the article inserted into the body. From this, the Examiner concludes that it would have been obvious to modify the damper of *Schliessner* and *Shereyk* by providing surface irregularities as taught by *Colley*.

However, *Shereyk* has been disqualified as a citable reference. Any permissible combination of *Schliessner* and *Colley* fails to teach or suggest a vibration dampening material double shot molded on the body of the clip. In *Colley*, the resilient pads include projections which are snap fit into mating recesses in the surrounding clamp body. *Colley* lacks any teaching or suggestion of double shot molding a vibration dampening layer of the clip as taught by the Applicants in claim 1.

For these reasons, it is respectfully submitted that Applicants' invention as set forth in claims 1-3 includes features which are not taught or suggested by the cited references taken in any permissible combination.

Accordingly, claims 1-3 are submitted to be in condition for allowance; notice of which is respectfully requested.

Respectfully submitted,

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